

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Case No. 02-cr-150-pp

Plaintiff,

v.

VON A. HAMILTON,

Defendant.

**ORDER DENYING DEFENDANT’S MOTION FOR EARLY TERMINATION OF
SUPERVISED RELEASE (DKT. NO. 65)**

On January 3, 2003, Judge Clevert sentenced the defendant; he entered judgment on January 21, 2003. Dkt. No. 33. Judge Clevert re-sentenced the defendant on March 10, 2005. Dkt. No. 54. The sentence included a term of five years of supervised release. Id.

The defendant started his supervised release term on March 19, 2014, which means that it is scheduled to expire on March 18, 2019. Dkt. No. 68 at 1. The defendant has served three years and approximately three months of his five-year supervised release term. On May 26, 2017, this court received a letter from the defendant, asking the court to terminate his supervised release early. Dkt. No. 65. The letter indicated that the defendant had earned his GED, completed the Residential Drug Abuse Program (“RDAP”), the 500-hour drug treatment program provided by the Bureau of Prisons, completed other classes while in custody, and currently had a full-time job. He indicated that he had “had a few infractions about drug use,” and had “done treatment to deal with

the issues” that had him off track. The defendant indicated that he wanted to be free from the system, and offered to meet with the court in person, if necessary. Id. He attached a letter from the executive director of 2nd Chance Staffing, supporting the defendant’s request for early termination. Dkt. No. 68-1.

The government has objected to the defendant’s request. Dkt. No. 67. The prosecutor first reminds the court that courts grant early termination of supervised release only under exceptional circumstances, and that it is the defendant’s burden to show the court that he has done exceptionally well, or that remaining on supervised release poses an undue hardship. Id. at 1. The government notes that the defendant has been drug-free only for the past six months or so—before that, he missed drug screens and tested positive for controlled substance use. He was terminated from one drug treatment program because of positive drug tests. The government indicates that the defendant also missed several visits (home and office) with his probation officer. The government indicated that the defendant had been working consistently only for the past three months. Id. The government also pointed out that the defendant was sentenced as a career offender. Id. at 2. The government acknowledged that the defendant had made “great strides” in overcoming some of his negative behaviors, but argued that if the court looked at his compliance overall, the defendant’s record on supervised release did not warrant early release. Id. at 1-2.


For some of the same reasons, the probation office does not support the defendant's request. Dkt. No. 68. The probation department notes the defendant's history of positive drug tests, missed drug screens and missed probation appointments. Probation adds that despite having been on supervision for some thirty-nine months, the defendant has not repaid the full balance of the buy money. Id. at 4.

The court agrees with the government that the defendant made good use of his time in custody, and is very pleased to hear that in the last few months, the defendant has been working to remain drug free and to stay employed. These are good things. They show that the defendant is, as he said in his letter, working to be "a responsible law abiding citizen." Dkt. No. 65. But given the outstanding balance due on the defendant's financial obligations, the relatively short period of time that he's been employed full-time at Cubby's, and the fact that his track record of avoiding drug use is only six months long, the court cannot grant his request at this time.

The court **DENIES** the defendant's letter motion for early termination of supervised release. Dkt. No. 65.

Dated in Milwaukee, Wisconsin this 27th day of June, 2017.

BY THE COURT:



HON. PAMELA PEPPER
United States District Judge